

Message Text

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ACTION IO-13

INFO OCT-01 ADP-00 IOE-00 CCO-00 SSO-00 NSCE-00 USIE-00

INRE-00 CIAE-00 DODE-00 PM-09 H-02 INR-09 L-03

NSAE-00 NSC-10 PA-03 RSC-01 PRS-01 SS-14 AF-10 ARA-11

EA-11 EUR-25 NEA-10 HEW-08 OIC-04 SR-02 ORM-03 AID-20

OMB-01 EB-11 RSR-01 /183 W
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O R 201550 Z MAR 73

FM USMISSION GENEVA

TO SECSTATE WASHDC IMMEDIATE 8366

INFO USUN NEW YORK 8571

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E. O. 11652: GDS

TAGS: SOCI, ECOSOC

SUBJECT: HUMAN RIGHTS COMMISSION - RIGHT TO LEAVE ITEM 9(C)

REF: (A) GENEVA 1224; (B) STATE 050641; (C) GENEVA 1186

1. AT AM MEETING MARCH 20 AMENDMENTS PROPOSED BY
EGYPT TO US DRAFT RESOLUTION (TEXT REF C) CIRCULATED
BUT NOT YET INTRODUCED. TEXT OF EGYPTIAN AMENDMENTS
AS FOLLOWS:

(I) ADD THE FOLLOWING AT THE END OF THE FIRST
PREAMBULAR PARAGRAPH: " AND RESIDENCE WITHIN THE BORDERS
OF EACH STATE,"

(II) INSERT A NEW OPERATIVE PARAGRAPH AFTER
EXISTING PARAGRAPH 2: "3. DEPLORES EQUALLY THE
EXISTENCE OF BARRIERS TO, AND DENIAL OF, THE RIGHT
OF EVERYONE TO RETURN TO HIS COUNTRY IMPOSED BY SOME
COUNTRIES CONTRARY TO THE SPECIFIC PROVISIONS OF
ARTICLE 13, PARAGRAPH 2;"

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(III) RENUMBER SUBSEQUENT PARAGRAPHS ACCORDINGLY.

(IV) ADD THE FOLLOWING AT THE END OF EXISTING PARAGRAPH 3: " AND IN FORMITY WITH THE RELEVANT PROVISIONS OF THE UNIVERSAL DECLARATION OF HUMAN RIGHTS, THE INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS AND THE RELEVANT UNITED NATIONS DECISIONS;"

(V) REDRAFT EXISTING PARAGRAPH 6 TO READ AS FOLLOWS: " REQUESTS THE SUB- COMMISSION TO AUTHORIZE THE RAPPORTEUR TO UP- DATE THE STUDY, TAKING INTO ACCOUNT THE RELEVANT UNITED NATIONS DECISIONS AND DISCUSSIONS AT THE TWENTY- NINTH SESSION OF THE COMMISSION, FOR CONSIDERATION BY THE SUB- COMMISSION AND THE COMMISSION ON HUMAN RIGHTS AS SOON AS POSSIBLE."

2. U. S. DEL ALSO UNDERSTANDS THAT DELEGATIONS OF ECUADOR, GHANA, INDIA AND PAKISTAN SUBMITTING DRAFT RESOLUTION TEXT OF WHICH SHOWN TO US INFORMALLY. TEXT DIFFERS FROM U. S. DRAFT BY:

(A) REFERRING DRAFT PRINCIPLES ANNEXED TO INGLES STUDY TO GOVERNMENTS WITHOUT LEAVING OPEN POSSIBILITY OF FURTHER WORK ON THEM BY HUMAN RIGHTS COMMISSION;

(B) OMISSION OF REFERENCE TO ARBITRARY BARRIERS TO TRAVEL AND MIGRATION; AND

(C) OMISSION OF REQUEST THAT INGLES STUDY BY UP- DATED. WE EXPECT THAT WHEN COMPETING DRAFT RESOLUTION TABLED, MOVE WILL BE LAUNCHED TO SECURE COMPOSITE TEXT WHICH COULD BE ADOPTED UNANIMOUSLY. THIS HAS BEEN PATTERN FOLLOWED WITH OTHER THREE STUDIES CONCERNING WHICH THREE DRAFT RESOLUTIONS UNANIMOUSLY ADOPTED BY HUMAN RIGHTS COMMISSION AT AM MEETING MARCH 20. IN GENERAL THREE RESOLUTIONS RELATING TO OTHER STUDIES HAVE FOLLOWED SAME PATTERN OF FORWARDING DRAFT PRINCIPLES CONTAINED IN EACH STUDY FOR ATTENTION MEMBER GOVERNMENTS AND INTERESTED ORGANIZATIONS.

3. IT APPEARS CERTAIN THAT SUBSTANCE OF EGYPTIAN AMENDMENTS WILL BE INCLUDED IN ANY DRAFT RESOLUTION LIMITED OFFICIAL USE

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COMMISSION ADOPTS UNDER 9(C). WE HAVE DISCUSSED THEIR

AMENDMENTS WITH EGYPTIANS, PRINCIPALLY IN ORDER TO SOFTEN SECOND EGYPTIAN PROPOSAL FOR NEW OPERATIVE PARAGRAPH DEPLORING EXISTING BARRIERS TO RIGHT TO RETURN. EGYPTIANS INSIST THEY NEED SEPARATE PARAGRAPH ON THIS POINT. THEY ARGUE THAT WHILE CERTAIN NON- ARBITRARY RESTRICTIONS MAY BE IMPOSED WITH RESPECT TO RIGHT TO LEAVE, NO BARRIERS MAY BE MAINTAINED WITH RESPECT OF THE RIGHT OF A PERSON TO RETURN TO HIS COUNTRY. THIS IS IN LINE WITH ARTICLE 12 COVENANT ON CIVIL AND POLITICAL RIGHTS.

4. SINCE SUBJECT OF AGENDA ITEM 9(C) AS WELL AS INGLES STUDY IS ALL INCLUSIVE AND COVERS THE RIGHT TO RETURN AS WELL AS THE RIGHT TO LEAVE, US DEL REGARDS SUBSTANCE OF EGYPTIAN AMENDMENTS AS ACCEPTABLE. CONSEQUENTLY, REQUEST AUTHORITY TO ACCEPT THEM IN ORDER TO ENCOURAGE CONSENSUS DECISION ON FINAL TEXT RESOLUTION UNDER ITEM 9(C). SINCE ACCEPTANCE WOULD INCLUDE REFERENCE TO INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS WE WOULD OF COURSE EXPLAIN OUR RESERVATIONS AS STATED REF (A).

5. WE WOULD ALSO BALANCE REFERENCE OF RIGHT TO RETURN IN NEW OPERATIVE PARA PROPOSED BY EGYPTIAN BY ADDING SPECIFIC REFERENCE TO RIGHT OF EVERYONE TO LEAVE ANY COUNTRY IN OUR OPERATIVE PARA 2.

6. DISCUSSION DRAFT RESOLUTIONS AND AMENDMENTS LIKELY TO CONSUME ALL OF PM MEETING MARCH 20 WITH VOTING POSSIBLE AT AM MEETING MARCH 21. REQUEST GUIDANCE SOONEST. RIMESTAD

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*** Current Classification *** LIMITED OFFICIAL USE

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